
By: **Senator Jacobs**
Introduced and read first time: February 6, 2004
Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Family Law - In Vitro Fertilization - Parental Rights**

3 FOR the purpose of providing that a child born from in vitro fertilization using a
4 donated embryo is considered to be the natural child of the couple who received
5 the embryo; providing that the embryo donor of a child born from in vitro
6 fertilization has no parental rights to the child; providing that procedural
7 adoption requirements do not apply to a child born from in vitro fertilization;
8 defining certain terms; and generally relating to in vitro fertilization.

9 BY adding to
10 Article - Family Law
11 Section 5-207
12 Annotated Code of Maryland
13 (1999 Replacement Volume and 2003 Supplement)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
15 MARYLAND, That the Laws of Maryland read as follows:

16 **Article - Family Law**

17 5-207.

18 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
19 INDICATED.

20 (2) "EGG" MEANS THE FEMALE SEX CELL PRODUCED BY THE OVARY,
21 WHICH, WHEN FERTILIZED BY A MALE'S SPERM, PRODUCES EMBRYOS.

22 (3) "EMBRYO" MEANS A FERTILIZED EGG THAT HAS BEGUN CELL
23 DIVISION.

24 (4) "IN VITRO FERTILIZATION" MEANS A PROCESS IN WHICH AN EGG
25 AND SPERM ARE COMBINED IN A LABORATORY DISH TO FACILITATE FERTILIZATION
26 AND, IF FERTILIZED, THE RESULTING EMBRYO IS TRANSFERRED TO THE WOMAN'S
27 UTERUS.

1 (B) (1) A CHILD BORN AS A RESULT OF IN VITRO FERTILIZATION USING A
2 DONATED EMBRYO SHALL BE CONSIDERED THE SAME AS A NATURALLY CONCEIVED
3 CHILD OF THE WOMAN IN WHOM THE EMBRYO WAS IMPLANTED AND IF MARRIED,
4 HER HUSBAND.

5 (2) THE DONORS OF AN EMBRYO PROVIDED TO A LICENSED PHYSICIAN
6 FOR USE IN IN VITRO FERTILIZATION ARE NOT CONSIDERED THE PARENTS OF THE
7 RESULTING CHILD AND ALL PARENTAL RIGHTS OF THE EMBRYO DONOR SHALL BE
8 TERMINATED IN ACCORDANCE WITH THE TERMS OF A WRITTEN AGREEMENT
9 EXECUTED BEFORE THE IMPLANTATION OF THE EMBRYO.

10 (C) PROCEDURAL ADOPTION REQUIREMENTS DO NOT APPLY TO PARENTS
11 WHO CONCEIVE A CHILD THROUGH IN VITRO FERTILIZATION.

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
13 October 1, 2004.